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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA

CITY OF FERNLEY, a political
 subdivision of the State of Nevada,

 Plaintiff,

 v.

 ERNEST A. CONANT, Regional
 Director; UNITED STATES BUREAU
 OF RECLAMATION,

 Defendants.

Case Number: 3:21-cv-119-MMD

**FEDERAL DEFENDANTS' UNOPPOSED
 MOTION FOR EXTENSION OF TIME TO
 FILE MOTION FOR STAY OF
 DISCOVERY**

Ernest Conant and the United States Bureau of Reclamation (collectively "Federal Defendants") hereby move for an extension of time until August 23 to file any motion for stay of discovery.

The Court's July 26th Order gave the parties three options to file papers by today's date. The third option was an opposed motion to stay discovery. The parties have conferred extensively and today filed a joint Rule 26(f) report and proposed discovery plan. But it became apparent on August 6th that the parties cannot agree on the date to start discovery on two claims, despite Federal Defendants' agreement to expedite production of the Administrative Record and

the parties' agreement that any initial disclosures on the DJA and Nuisance claims are due October 8th. This did not leave time to circulate, receive approval of and file a motion on the disputed issue by today. As stated in the Joint Rule 26(f) Report, Defendants wish to reserve the right to move for a stay of discovery under *Tradebay* and other factors. 278 F.R.D. 597 (2011). However, because the Court's July 26th Order may be interpreted to require that any motion for stay of discovery must be filed by today in addition to the Joint Report, the Federal Defendants asked Plaintiffs if they would object to a motion for extension of time. Both Plaintiffs expressed their belief that the filing of this motion is contrary to the Court's prior instruction. However, Fernley has stated it will not file an opposition to this motion if the requested extension is only until August 23. Plaintiffs Stix and Edmonston have stated they take no position on the motion.

Federal Defendants therefore request that the Court allow for motions to stay discovery to be filed by August 23.

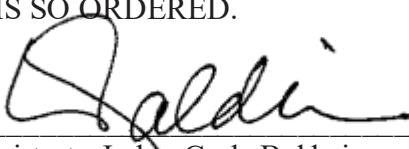
Respectfully submitted this 9th day of August, 2021, by:

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Acting United States Attorney
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TODD KIM
Assistant Attorney General

/s/ Eve W. McDonald
EVE W. MCDONALD
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Environment and Natural Resources Division

IT IS SO ORDERED.


Magistrate Judge Carla Baldwin
United States District Court

DATED: August 11, 2021

CASE NO.: 3:21-CV-00119-MMD-CLB

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2021, I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which will send notification to the attorneys of record in this case.

/s/ Eve W. McDonald
EVE W. MCDONALD